

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JOHN PATRICK EDWARDS,	)	
	)	
Movant,	)	
	)	
v.	)	No. 3:14-cv-01256
	)	
UNITED STATES OF AMERICA,	)	Chief Judge Haynes
	)	
Respondent.	)	

**ORDER**

Movant, John Patrick Edwards, proceeding *pro se*, has filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence, asserting claims of ineffective assistance of counsel and prosecutorial misconduct. (Docket Entry No. 1.) Movant also requests the appointment of counsel (*id.* at 17), and he has filed an Application to Proceed *in Forma Pauperis* (Docket Entry No. 2).

The application to proceed as a pauper is **DENIED AS MOOT**, because there is no fee associated with the filing of a motion to vacate under 28 U.S.C. § 2255. However, the Court takes notice that the motion substantiates a claim of poverty for purposes of determining whether Movant is eligible for the appointment of counsel.

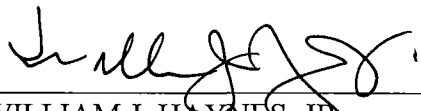
Upon review of the file, the request for appointment of counsel is **GRANTED**. The Court appoints the Federal Public Defender to represent Movant. The Federal Public Defender is given **45 days** to file an amended motion, if necessary. If the Federal Public Defender determines that it is not necessary to file an amended motion, he **SHALL**, within **30 days**, file a notice of intent not to file an amended motion.

The office of the United States Attorney for this judicial district shall file a response to

the § 2255 motion, as amended, if applicable, within **60 days** from the date an amended motion is filed or from the date the Federal Public Defender gives notice that no amended motion will be filed. The response shall be in accordance with Rule 5 of the Rules Governing § 2255 Cases.

It is so **ORDERED**.

**ENTERED** this the 6<sup>th</sup> day of June, 2014.

  
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WILLIAM J. HAYNES, JR.  
Chief Judge  
United States District Court